

## II. REMARKS

Claims 1-18 are pending in this application. By this amendment, claims 1, 4, 6, 7, 8, 10, 13, 14, 15, 17 and 18 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-18 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Terrell *et al.* (U.S. Patent No. 2003/0210686 A1), hereafter "Terrell." Claims 1-18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable under Sarkinen *et al.* (U.S. Patent No. 2003/0101426 A1), hereafter "Sarkinen." Applicant respectfully traverses these rejections.

### A. REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection over Terrell, Applicant asserts that Terrell does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1 and 8, Applicant submits that Terrell fails to teach "...a card array having at least one unutilized backup router card," and similarly claimed as "...a card array having unutilized backup router cards," in claim 14. The invention in Terrell is a router system for use in a computer network. Abstract. The Terrell router system includes a number of routers that are connected to an administration subsystem by the use of a fabric. Page 25, par. 0202, FIGS. 1-2.

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However, Terrell never teaches that at least one of its routers is an unutilized backup router card. In contrast, the present invention includes "...a card array having at least one unutilized backup router card." Claim 1. As such, prior to replacing a failed router, the at least one backup router card of the present invention is not being utilized. Thus, the unutilized backup router card as included in the present invention is not equivalent to the routers in Terrell. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claim 14, Applicant respectfully submits that Terrell also fails to teach a switching system for physically replacing the failed router card with the unutilized backup router card. As stated above, the Terrell router system includes a number of routers connected to an administration system using a fabric. Page 25, par. 0202, FIGS. 1-2. The routers in the Terrell router system may be organized to provide fail-over capacity. Page 6, par. 0066. The Office asserts that the Terrell router system does this by replacing one router with another by redirecting a message from one router to another. Page 25, par. 0202 and page 38 par. 0285. Even assuming *agruendo*, that the Office is correct, nowhere does Terrell disclose physically replacing one router card with another. The present invention, in contrast, includes "...a switching system for physically replacing the failed router card with the unutilized backup router card." Claim 14. As such, the switching system as included in the present invention does not merely switch data from one router to another as in Terrell, but rather, *inter alia*, physically replaces the failed router card with an unutilized backup router card. For the above reasons, the redirected message of Terrell is not equivalent to the switching system as included in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.

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With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

**B. REJECTION OF CLAIMS 1-14 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection over Sarkimen, Applicant submits that the cited art fails to teach each and every feature of the claimed invention. For example, with respect to independent claims 1 and 8, Applicant submits that, similar to Terrell, Sarkimen fails to teach "...a card array having at least one unutilized backup router card," and similarly claimed as "...a card array having unutilized backup router cards," in claim 14. The invention in Sarkimen is a system and method for interfacing network elements using an isolated fabric interface module. Page 2, par. 0012. The Sarkimen switch fabric interface allows a plurality of cards to operate in the system and provides support for rapid port failover. Page 6, par. 0064. However, Sarkimen does not teach that any of its cards are unutilized. In contrast, the present invention includes "...a card array having at least one unutilized backup router card." Claim 1. That is, prior the failure of a router card, the backup router card as claimed in the present invention is unutilized. Thus, the unutilized backup router card as included in the present invention is not equivalent to the plurality of cards in Sarkimen. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

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With further respect to independent claim 14, Applicant respectfully submits that Sarkimen also fails to teach a switching system for physically replacing the failed router card with the unutilized backup router card. As stated above, Sarkimen teaches a switch fabric interface that allows a plurality of cards to operate in the system and provides support for rapid port failover. Page 6, par. 0064. However, Sarkimen does not teach that any of its cards are physically replaced by the system. The present invention, in contrast, includes "...a switching system for physically replacing the failed router card with the unutilized backup router card." Claim 14. As such, the switching system as included in the present invention does not merely provide support for rapid port failover as in Sarkimen, but rather, *inter alia*, physically replaces the failed router card with an unutilized backup router card. For the above reasons, the support for rapid port failover of Sarkimen is not equivalent to the switching system as included in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.


With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejections.

### III. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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John A. Merecki  
Reg. No.: 35,812

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

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